

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
GREENVILLE DIVISION**

JOSHUA ANTWONE SMITH

PLAINTIFF

V.

NO. 4:24-CV-51-DMB-JMV

BAXTER HEALTHCARE

DEFENDANT

ORDER

On January 27, 2025, United States Magistrate Judge Jane M. Virden issued a report and recommendation (“R&R”) recommending this case be dismissed. Doc. #10. The R&R warned that “objections are required to be in writing and must be filed within fourteen days” and “[f]ailure to timely file written objections to the proposed findings, conclusions and recommendations contained in [the R&R] will bar an aggrieved party, except upon grounds of plain error, from attacking on appeal unobjected-to proposed factual findings and legal conclusions accepted by the district court.” *Id.* at PageID 24–25. No objection to the R&R was filed.

Under 28 U.S.C. § 636(b)(1)(C), “[a] judge of the court shall make a de novo determination of those portions of the report ... to which objection is made.” “[P]lain error review applies where a party did not object to a magistrate judge’s findings of fact, conclusions of law, or recommendation to the district court despite being served with notice of the consequences of failing to object.” *Quintero v. State of Texas – Health and Hum. Servs. Comm’n*, No. 22-50916, 2023 WL 5236785, at *2 (5th Cir. Aug. 15, 2023) (cleaned up). “[W]here there is no objection, the Court need only determine whether the report and recommendation is clearly erroneous or contrary to law.” *United States v. Alaniz*, 278 F. Supp. 3d 944, 948 (S.D. Tex. 2017).

Because the Court reviewed the R&R for plain error and concludes the R&R is neither clearly erroneous nor contrary to law, the R&R [10] is **ADOPTED** as the order of the Court. This

case is **DISMISSED without prejudice.**

SO ORDERED, this 11th day of February, 2025.

/s/Debra M. Brown
UNITED STATES DISTRICT JUDGE